

# EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

ROSY GIRON DE REYES; JOSE )  
DAGOBERTO REYES; FELIX ALEXIS )  
BOLANOS; RUTH RIVAS; YOVANA )  
JALDIN SOLIS; ESTEBAN RUBEN MOYA )  
YRAPURA; ROSA ELENA AMAYA; AND )  
HERBERT DAVID SARAVIA CRUZ, )  
 )  
Plaintiffs, )  
 )  
v. ) C.A. No. 1:16CV563  
 )  
WAPLES MOBILE HOME PARK LIMITED )  
PARTNERSHIP; WAPLES PROJECT )  
LIMITED PARTNERSHIP; AND A.J. )  
DWOSKIN & ASSOCIATES, INC., )  
 )  
Defendants. )  
 )

**DECLARATION OF GEORGE C. CARUSO**

I, GEORGE C. CARUSO, hereby declare under penalty of perjury the following:

1. I am over the age of eighteen and I have personal knowledge of the information set forth below. If called upon to do so, I could testify competently to these matters.
2. I have over forty years of experience managing and owning residential properties throughout the United States and in the Washington D.C. metropolitan area. Over my career, I have managed nearly one hundred thousand residential units.
3. I was retained by the defendants in this case to review the practice of requiring proof of legal status in the application process for an apartment or a mobile home lot.
4. As discussed in my expert report, attached as Exhibit 1, it is a reasonable practice to require proof of legal status in the United States as part of a residential application process

because such status impacts and informs the underwriting of the lease because a lack of legal status limits employment opportunities to enable the applicant to pay the agreed rent.

5. Additionally, central to the criminal background and credit check process is first having proper identification of the applicant. If the identifying information is inaccurate, then unreliable background checks can result. Proof of legal status, such as U.S. government-issued documents proving legal status, is necessary to help prove identity for the criminal background and credit checks of an applicant, which are typically part of any application process.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and information.

Date: 1 - 6 - 2017



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George C. Caruso

# EXHIBIT 4(1)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

ROSY GIRON DE REYES, *et al.*,

Plaintiffs.

v.

WAPLES MOBILE HOME PARK  
LIMITED PARTNERSHIP, *et al.*,

Defendants.

Civil No.: 1:16cv563-TSE-TCB

**EXPERT REPORT OF GEORGE C. CARUSO, CPM, RAM, SHCM, HCCP.**

I have over forty years of experience in owning and managing residential properties throughout the United States, including in the Washington, D.C. metropolitan area. I currently asset manage over five thousand multifamily units which are owned by Mid City Financial Corporation. I am also a limited partner in five of Mid City Financial Corporation's properties. I have had responsibility for nearly one hundred thousand units with four employers dating back to 1972 in more than thirty states. As part of my role in managing and owning such properties, I am involved in setting up and implementing the application and screening process for potential tenants. My resume is attached as Exhibit A.

#### Opinions

I will offer the following opinions in this matter:

1. It is a reasonable practice to require proof of legal status in the United States as part of an application process to lease either an apartment or mobile home lot.
2. The legal status of an applicant is relevant to making underwriting decisions as whether to rent to a particular person because it impacts factor such as income, sustained income, reliable employment, availability of HUD assistance and repossession of a unit or lot if necessary.
3. The legal status of a potential resident is also necessary to determine the correct identity of the applicant person and to conduct an effective criminal background check of the applicant.

#### Basis and Reasons for Opinions

- o All Federally Subsidized Housing, both public and privately owned has been required to confirm the legal status of all applicants and residents since Congress passed changes to the standards for admission and occupancy in the early 1990's. The various handbooks regulating the several programs through the department of Housing and Urban Development (HUD), such as the Project Based Section 8 Program, the 202 Program, and the Public and Indian Section 8 program among others. There are a total of 14 various assistance programs which all share the same handbook guidance that requires confirmation of legal status. Individuals without such status are precluded from assistance or are pro rated if they are part of a family which has legal residents. It is established Federal Policy that no federal assistance is to be granted to anyone who is not properly admitted to residence in the United States.
- o In a non-subsidized setting, legal status is an important factor in underwriting a particular lease. Employers are required under CIS Regulations to verify the status of all employees through the E-Verify System, and obtain an I-9 from each staff member. A fundamental part of underwriting any lease is to ascertain that the applicant has sufficient income to enable the applicant to pay the agreed rent on time and in full throughout the term of the lease. Consequently any applicant who does not have legal status to work will be unable to obtain employment that can be verified as to duration and amount to permit underwriting.

- Another fundamental part of underwriting any lease application is to verify identity, credit status and to confirm that the applicant is not excluded from residence by virtue of prior criminal activity, including confirmation that the applicant is not on a sex offender registry list. Central to this process is first having proper identification of the applicant and other necessary data such as Social Security numbers, date of birth, and list of immediate prior residences so that the companies retained by the owner to verify applications can run the necessary verifications. If the identifying information is inaccurate, then unreliable background checks can result.

Qualifications

See resume attached as Exhibit A. I have testified as an expert witness during the last four years in the following cases:

1. Marvin Seldin vs. The Seldin Company and Ted Selden, a private arbitration matter in Omaha, Nebraska.
2. Wincek Associates vs Columbia Homes Housing Inc. in the Circuit Court for Howard County, Maryland.

I do not have any publications in the last ten years.

Compensation

My hourly rate for research and testimony in this case is \$150. My compensation is not tied to or contingent upon the outcome of this litigation.

Signed:   
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George C. Caruso

Date: 11 - 28 - 2016

# EXHIBIT 4(2)

# EXHIBIT A

**George C. Caruso**  
Summary of Professional Qualifications

**Employment**

Principal – The Cooper Companies The Cooper Companies operate the real estate owned by the George N. and Ann B Caruso Trusts, as well as the Cooper Ranch, a 2,200 acre agricultural operation in Utica, Kansas. Replaced George N. Caruso as principal in 1994, the firm dates from 1881, founded by Adolphus B. Cooper as a ranching and mercantile operation.

Upon retiring from full time work, the firm was expanded to provide consulting services. We have ongoing consulting relationships with four major owners and operators of Affordable housing with headquarters in Germantown, Md.; Bethesda, Md.; Rockville, Md. and Charleston S.C. We also do occasional consulting work for a number of owners and operators of Affordable Housing throughout the mid atlantic and southeast.

2002-2014 Executive Vice President & Chief Knowledge Officer Edgewood Management Corporation, Germantown Maryland. Senior Operations executive for Edgewood, a 28,000 unit management company operating in 14 states principally in the Mid Atlantic states. Edgewood is an Accredited Management Organization, and I remain the Principal Management Executive for the firm. Retired from full time to consultant status in April 2014. Mid City Financial Corporation (Edgewood's sister company) retains me as a consultant to them on Asset Management, Capital Project, and Redevelopment issues.

1998-2002 Executive Director - National Affordable Housing Management Association (NAHMA), Alexandria Virginia. National Trade Association representing the Affordable Housing industry. Responsible for overall operation of the Association, reporting to the President and Board of Directors. Develop legislative and regulatory positions; represent the Association before Congress, HUD, USDA, and the Administration. Prepare and present or brief for presentation testimony for Congress and other commissions. Supervise the overall operation of the Association. Prepare and deliver Washington Briefings and other topical materials for the regional and local AHMA s of the association. Registered Lobbyist for NAHMA, supervises staff of four.

1989-1997 Executive Vice President and Chief Operating Officer - Alco Properties, Memphis Tennessee. Responsible for the overall operation of 40+ apartment communities with 5,500 units in 10 southeastern states. Direct reports included three Vice Presidents and two Property managers. Total staff of approximately 250. The portfolio contained both conventional apartments and HUD assisted apartments. Evaluated acquisitions and developed new properties. Responsible for the design and construction of the Registry at Wolfchase, a 526 unit class A apartment property in east Memphis.

1986-1988 Vice President - Real Estate Management - The Mitchell Company, Mobile Alabama. Responsible for the overall operation of Mitchell s conventional apartment portfolio of 6,600 apartments in Florida, Alabama, Georgia, Mississippi, Louisiana and Texas. Reported to Executive Vice President - Real Estate Management. Direct reports included six property managers and a support staff of two, total staff of 325. As a merchant builder, in addition to operation of existing properties I was part of the development team building new properties. During my tenure we built and opened four or five new properties a year, generally two 300 unit sites, and two or three 170 unit sites, all of which are high B and low A grade apartment communities. Some remained in the portfolio while others were sold. In the final year of my tenure, I was also responsible for takeover and operation of Real Estate Owned by our parent firm, ALTUS Bank. We assumed management of repossessions and foreclosures and prepared properties for sale. At various points we had 300 to 2,500 units in possession for disposition, all were conventional properties.

1983-1986 Vice President - Human Resources - American Diversified Capital Corporation, and American Development Company, Costa Mesa, California. I was initially hired as Director of training and

professional development for the management arms of ADCC and ADC. During my tenure those responsibilities were expanded to include all training operations including new employee orientation, and training and support for the Information Systems Division. I was also given responsibility for development of policies and procedures for both operations and lending. Reported to the President of ADCC, direct reporting staff of 8 and support staff of 4. In addition to my regular duties, I was the property management consultant and trouble shooter for the President and Executive Vice President of ADCC. The total portfolio included 34,000 units, of which approximately 10,000 were assisted the balance new construction conventional communities. New development during my tenure included a new class A high rise building at 5480 North Sheridan in Chicago, eight new apartment communities in Tampa, Orlando, Dallas, Kansas City, and Denver. All were garden style class A communities.

1977-83 Vice President - Harbor Realty & Management Co, Chicago Illinois. Responsible for operation of half of Harbor's portfolio of apartments and condominiums, 5,500 units in Chicago and immediate suburbs. Responsibilities included operation of such well known luxury buildings as 1501 North State Parkway, 3930 North Pine Grove, 1530 North Dearborn, 3950 Lake Shore Drive, 3800 Lake Shore drive, and 6300 North Sheridan Road. During my tenure we converted six major and a number of minor buildings from apartment to condominium use.

#### **Education -**

University of Michigan - School of Business Administration. BBA granted in May 1971. Areas of specialization Accounting and Naval Architecture.

Northwestern University - J.L. Kellogg Graduate School of Management. Graduate work toward Masters of Management degree. Completed approximately half of classwork prior to being promoted to Vice President of Harbor Realty and Management. Withdrawn from classes at that time.

#### **Professional Designations**

Certified Property Manager - Institute of Real Estate Management. Key #8268 granted in November 1982.

Executive Registered Apartment Manager - National Association of Home Builders. Granted in November 1977

National Affordable Housing Professional - Executive Level - National Affordable Housing Management Association. Granted February 1992

Certified Seniors Housing Specialist, National Association of Home Builders, 1987.

Housing Credit Certified Professional – National Association of Home Builders, National Affordable Housing Management Association. 1999

#### **Professional Boards and Associations**

Chairman – Federal Advocacy Board, Institute of Real Estate Management 2017

Chairman – Federal Housing Advisory Board, Institute of Real Estate Management 2015, Member of Board 2007-2017

Director - Best Practices Board of Directors - Department of Housing and Urban Development 1999- 2000. Twelve member Board of Directors that developed and administered HUD's Best Practices Program. Appointed to position by HUD Secretary Andrew Cuomo.

President, Vice President, Treasurer and Director, Southeastern Affordable Housing Management Association tenure from 1989 to 2015.

Vice President and Director – National Affordable Housing Management Association 1994-97 and 2003-2011. Served three terms as a Director both before and after my tenure as Executive Director.

Trustee - National Council of the Multifamily Housing Industry served six three year terms from 1980 through 1998. NCMHI is the Multifamily Division of the National Association of Home Builders.

Chairman, Registered Apartment Managers Board of Governors 1982. Governor from 1978 to 1983. Elected Life Governor in 1983.

Program Chairman - Multi Housing World 1988-94 Responsible for the development and supervision of the education programs at MHW, an annual 18,000 attendee professional conference sponsored by Multi Housing News and the National Association of Home Builders.

Senior Vice President (1982), Treasurer (1981) and Director - Multifamily Housing Association of Illinois 1977 to 1982.

### **Significant Honors**

Member - Kentucky Affordable Housing Hall of Fame - Inducted 2001 The Kentucky Affordable Housing Hall of Fame is administered by the Louisville Office of HUD and the Kentucky Housing Corporation. Each year it honors an executive who has made significant contributions to Affordable Housing in the Commonwealth of Kentucky.

NAHMA Industry Statesmen Award, Lifetime achievement award given to executives for career achievement.

SAHMA Presidents Award – 1992, 1994, 1996, 1997 Received these awards for serving as Editor and principal author of SAHMA's Regulatory Issues Bulletin. 20 issues per year from 1991 through 1997.

Registered Apartment Manager of the Year, 1982.

President's Distinguished Achievement Award - MultiFamily Housing Association of Illinois 1982